

MANSFIELD TOWNSHIP COMMITTEE MEETING

October 24, 2018

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star Gazette and Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Farino, Mrs. Mora Dillon, Mayor Watters

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mrs. Mora Dillon made a motion to approve the minutes from the regular meeting held on October 10, 2018, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. Hayes, Mr. Misertino

Abstain: None

Mrs. Mora Dillon made a motion to approve the passage of the Executive session minutes held on October 10, 2018, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. Hayes, Mr. Misertino

Abstain: None

BILL LIST:

Mrs. Mora Dillon made a motion to approve the bill list as presented, which was seconded by Mayor Watters.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. Hayes, Mr. Misertino

Abstain: Mr. Farino

CLERKS REPORT:

Ms. Hrebenak explained that the Township Committee was given a copy of the requested changes from the Land Use Board. One of the requested changes is the building height which is already listed in section 363-29, but that the request to add a toilet and sink would require another first reading.

Mr. Farino made a motion to approve reintroduction of Ordinance 2018-11 to remove the maximum height as it is listed in 363-29 and include a toilet and a sink.

ORDINANCE 2018-11

**AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD,
COUNTY OF WARREN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING CHAPTER 363
TITLED “ZONING ARTICLE VI A AGRICULTURE,
R-1 RESIDENCE AND R-2 RESIDENCE DISTRICTS”
SUBSECTION 363-25 TITLED ACCESSORY STRUCTURES**

WHEREAS, it has come to the Township Committee’s attention that the Code of the Township does not provide adequate standards for Accessory Structures; and

WHEREAS, any use or structure that is not specifically permitted by the Township Code is deemed prohibited; and

WHEREAS, the Township Committee wishes to provide standards for accessory structures in various zones throughout the Township.

NOW THEREFORE, BE IT ORDAINED, that the Code of the Township of Mansfield shall be amended and supplemented by adopting the following standards in the A, R-1 and R-2 zones as follows:

- Accessory buildings and structures maximum size shall be 3% of lot area in all zones.
 - An accessory building or structure shall not be located in any required front yard. Nor shall it be located in front of any Principle Structure. Accessory structures shall comply with setbacks distances shown in section 363-30.
 - Accessory structures shall comply with the maximum height listed in 363-29.
 - Accessory structures may contain a sink and a toilet.

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are

hereby repealed as to their inconsistencies only.

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. Hayes, Mr. Misertino

Abstain: None

EMPLOYEES REPORTS:

Mrs. Fascenelli spoke to the Township Committee in regards to the list of properties that was given to them for the next round of foreclosures.

Stan Prater spoke to the Township Committee in regards to the JCP&L Reliability Plus plan that was submitted to BPU.

PUBLIC PORTION:

Mayor Watters opened the floor for public portion; seeing none the public portion was closed.

Mrs. Mora Dillon made a motion to enter into Executive Session at 8:06 pm, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. Hayes, Mr. Misertino

Abstain: None

Return from Executive Session at 9:03 pm.

Mr. Wenner, Esq. stated that during Executive Session the Committee discussed litigation dealing with COAH, litigation dealing with the Meadows of Mansfield, Shared Service contracts, and a personnel matter dealing with the Clerk's Office, copies of these minutes will be available as soon as the Committee feels they are no longer a harm to the public interest.

Mrs. Mora Dillon made a motion to send a RICE notice for the matter that was discussed in Executive Session, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. Hayes, Mr. Misertino

Abstain: None

Mrs. Mora Dillon made a motion to increase the hours for the Violations Clerk to 21 hours, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mayor Watters

Nays: None
Absent: Mr. Hayes, Mr. Misertino
Abstain: None

CONSENT AGENDA:
RESOLUTION

2018-144
STATEWIDE INSURANCE FUND
RESOLUTION APPOINTING FUND COMMISSIONER

WHEREAS, Township of Mansfield (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Mansfield (Local Unit) that Dena Hrebenak (entity's elected official or employee) is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2019**; and

BE IT FURTHER RESOLVED that Michael Reilly (second elected official or employee) is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2019**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Township of Mansfield

2018-145
RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, Township of Mansfield (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Warren and State of New Jersey, as follows:

1. Township of Mansfield (Local Unit) hereby appoints Skylands Risk Management Inc. its Risk Management Consultant.

1. The Mayor (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2019 in the form attached hereto.

Name of Entity: Township of Mansfield

RESOLUTION NO. 2018-146

**TOWNSHIP OF MANSFIELD
WARREN COUNTY**

Granting Paid Sick Leave to Department of Public Works (Machine Operator)

WHEREAS, the Township Committee (“Committee”) of the Township of Mansfield (“Township”) finds and declares that John Tate (“Employee”) is an employee of the Mansfield Township Department of Public Works; and

WHEREAS, the Committee further finds and declares that the Employee will be out of work on paid leave as of October 12, 2018 and

WHEREAS, the Committee further finds and declares that the Employee has leave days accrued that could be used for salary compensation during the duration of his paid leave;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mansfield does hereby grant paid leave to Township Employee, John Tate, during the period of October 12, 2018 through November 13, 2018; and

BE IT FURTHER RESOLVED that the Township Clerk be and is hereby directed to formally notify the Public Employees’ Retirement System of said status and to cause the same to be

included in the records maintained for said employee.

RESOLUTION # 2018-147
RESOLUTION AUTHORIZING PRIVATE SALE OF TAX SALE
CERTIFICATES PURSUANT TO N.J.S.A. 54:5-112 AND 5-113

TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 54:5-112 and 5-113 provide the governing body the authority for a municipality to sell municipally held liens at private sale to such person and for such sum, not less than the amount of the municipal liens charged against same and,

WHEREAS, the Tax Collector has notified the owner of record as appearing on the Tax Duplicate Susan Bartell at least five days prior to affirmation of this resolution and public notice was posted in three public places within this municipality,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 24th day of October, 2018 hereby authorize the Tax Collector to assign municipal Tax Lien Certificate # 2009-037, in the amount of \$2309.23 at private sale to Kathleen Chiarella.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector, the Municipal Attorney and the Assignee.

TOWNSHIP OF MANSFIELD
COUNTY OF WARREN, STATE OF NEW JERSEY

RESOLUTION 2018-148

A RESOLUTION OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF WARREN AND STATE OF NEW
JERSEY, AUTHORIZING THE RELEASE OF PERFORMANCE BOND FOR WORK PERFORMED IN
CONNECTION WITH THE WATTERS ROAD IMPROVEMENT PROJECT

WHEREAS, the contractor, Reivax Contracting Corporation, has requested a release of the performance bond for the work performed in connection with the Watters Road improvement project, in the Township of Mansfield; and

WHEREAS, the Township Engineer has reviewed the request, performed an inspection of the work completed, and recommend by correspondence that the performance bond in the amount of \$ 175,888.00, be released to the contractor.

This Resolution shall take effect immediately.

**RESOLUTION 2018-149
TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY**

RESOLUTION TO AUTHORIZE ROADSIDE TREE TRIMMING WITHIN THE TOWNSHIP OF MANSFIELD

WHEREAS, the Township of Mansfield wishes to trim trees along township roads; and

WHEREAS, the Township of Mansfield has specified a list of trees to be used to solicit quotes from qualified vendors;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, Warren County, New Jersey, that funding be authorized to trim various trees not to exceed \$15,000.00.

**2018-150
Township of Mansfield Resolution**

**DECLARING TOWNSHIP OF MANSFIELD RESOLUTION OF SUPPORT
FOR THE JCP&L RELIABILITY PLUS**

WHEREAS: The Township of Mansfield recognizes that reliable electric service plays a crucial role in the daily lives of Township residents; and

WHEREAS: The Township of Mansfield recognizes that reliable electric service also is critical to the local businesses within our community, and drives commerce in our Township and across the region; and

WHEREAS: The Township of Mansfield supports efforts to enhance our energy infrastructure to continue to provide families and businesses the reliable source of energy they need; and

WHEREAS: The Township of Mansfield supports efforts to enhance the reliability and resiliency of the electric distribution system against severe weather and reduce the number of customers affected by outages and shorten the duration of outages; and

WHEREAS: The Township of Mansfield has been informed that Jersey Central Power and Light Company's (JCP&L) Reliability Plus includes approximately \$400 million in targeted investments above and beyond its regular annual investments to enhance JCP&L's service reliability and resiliency; and

WHEREAS: The Township of Mansfield has been informed that the JCP&L plan includes nearly 4,000 enhancements that will help the reliability and resiliency of overhead and underground distribution lines, as well as new equipment to reduce the number of customers affected by outages and shorten the duration of outages; and

WHEREAS: The Township of Mansfield has been informed that the JCP&L plan also outlines additional vegetation management to reduce the potential for tree damage, which is the primary cause of outages during severe storms in JCP&L's service area.

WHEREAS: The Township of Mansfield has been informed that JCP&L estimates the initial

increase on the monthly bill for an average residential customer would be about 26 cents per month for the first six months up to \$1.89 by the end of the four-year period.

NOW, THEREFORE, BE IT RESOLVED that Mayor and Council of Mansfield hereby finds and declares:

That JCP&L's Reliability Plus will benefit residents and businesses in the Township of Mansfield and throughout Warren County by making JCP&L's electric distribution system during storm and non-storm events more resistant to outages and enabling the system to recover more quickly when outages do occur and increase the distribution system's resiliency, operational flexibility, safety and security.

JCP&L's Reliability Plus should be approved by the New Jersey Board of Public Utilities.

INTRODUCED, READ AND ADOPTED by the Mayor and Council this 24th day of October, 2018.

Mrs. Mora Dillon made a motion to approve the Consent Agenda, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. Hayes, Mr. Misertino

Abstain: None

ORDINANCE:

Second Reading

Mrs. Mora Dillon made a motion to approve the passage of Ordinance 2018-09 and requested that the results be advertised, which was seconded by Mr. Farino.

Mayor Watters opened the floor for public comment; seeing none the public comment period was closed.

ORDINANCE 2018-09

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD AMENDING SECTION (PROHIBITED USES) OF THE TOWNSHIP LAND DEVELOPMENT ORDINANCE

WHEREAS, the Township of Mansfield has the authority to regulate land uses within its municipal boundaries in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; and

WHEREAS, the Township regulates land use throughout the Township through its Land Development Ordinance; and

WHEREAS, the Township's Land Development Ordinance includes a provision prohibiting certain uses throughout the Township; and

WHEREAS, the State of New Jersey is in the process of enacting laws that may legalize the possession and personal use of small amounts of marijuana; and

WHEREAS, the Township has determined that business selling, producing, and manufacturing marijuana are a special concern to the Township due to the concern for the public safety and security; and

WHEREAS, the Township has determined that the legalization of marijuana may have a long-term impact on the residents of the Township of Mansfield, and

WHEREAS, the Township has determined that it is in the best interest of its residents to prohibit marijuana cultivation facilities, marijuana production and manufacturing facilities, marijuana testing facilities, and marijuana retail stores within the Township's borders until a time when the Township can review the impact these facilities have on municipalities and its residents.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

Section One: The section of the Township Land Development Ordinance, entitled "Prohibited Uses" is hereby amended, so it shall read as follows:

Prohibited Uses.

- All uses not expressly permitted in this Ordinance are prohibited.
- Marijuana cultivation facilities, marijuana production or manufacturing facilities, marijuana testing facilities, and retail marijuana stores are prohibited in all zone districts.

Section Two: If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section Three: This ordinance shall become effective upon final passage and publication according to law.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. Hayes, Mr. Misertino

Abstain: None

Mr. Farino made a motion to approve the passage of Ordinance 2018-10, which was seconded by Mrs. Mora Dillon.

Mayor Watters opened the floor for public comment; seeing none the public comment period was closed.

ORDINANCE 2018-10

**ORDINANCE OF THE TOWNSHIP OF MANSFIELD,
COUNTY OF WARREN, STATE OF NEW JERSEY,
ADDING A NEW CHAPTER 3 OF THE CODE OF THE TOWNSHIP OF MANSFIELD
REGARDING BACKGROUND CHECKS**

BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that a new Chapter 3, entitled *Background Checks*, is hereby created as follows:

Section 1.

§3-1. Authority to request background check; exemption; cost.

A. The Township Clerk and/or Chief of Police, or other designee of the Township Committee, are hereby authorized and directed to require a criminal history background check of any person, in accordance with N.J.S.A. 40:48-1.4 and N.J.S.A. 15A:3A-3, for any official governmental purpose, including but not limited to all adults, those persons 18 years of age or older, including, but not limited to, coaches, assistant coaches, umpires, or similar positions involved in educating, directing or supervising youth in a Township-sponsored youth program and those volunteers of a Township-sponsored program involving the elderly or infirm, or those volunteers serving with the fire and rescue operations of the Township. All persons subject to the mandatory criminal history background checks under this article shall submit to background checks in accordance with applicable state and federal laws, rules and regulations. The Township Clerk and/or Chief of Police are authorized to use third party vendor to exchange data with and receive criminal history from the State Bureau of Identification in the Division of the State Police and Federal Bureau of Investigation. Any person who has submitted to a criminal history background check, upon request, shall be permitted to review the results of the check. Nothing contained herein shall prohibit any Township-sponsored program from enacting standards greater than those set forth in this Chapter.

B. The Township, in its discretion, may charge to any person required to submit to a criminal background check the actual cost paid to outside agencies for obtaining the criminal history or any percentage thereof.

§3-2. Background Check Required.

- All adults, those persons eighteen (18) years of age or older, including but not limited to, coaches, assistant coaches, umpires or similar positions involved in educating, directing or supervising youth in a Township-sponsored youth program, or in a Township-sponsored program involving the elderly or infirm, shall submit required information for the purpose of obtaining a criminal history background check with the State Bureau of Identification in the New Jersey State Police pursuant to N.J.S.A. 15A:3A-3 to the Town Clerk, Chief of Police or other Township designee.

- Upon receipt of a completed background check conducted by the State Bureau of Identification in the New Jersey State Police, the Chief of Police of the Township or his designee shall notify the applicant, as well as the appropriate department head or volunteer organization of affirmative or negative results.

- In the event the criminal background check reveals any prior convictions for crimes or

offenses set forth in N.J.S.A. 15A:3A-3, that individual shall be prohibited from participating in any Township-sponsored youth programs or Township-sponsored programs involving the elderly or infirm, or with serving with the fire and rescue operations of the Township, subject to the appeal process set forth below.

- Not less than thirty (30) days prior to the start of the Township-sponsored activity, the head of each volunteer organization must submit to the Chief of Police and the Township Clerk, a certified list of volunteers who the volunteer organization expects to be involved in the activities with the youth, elderly or infirm, or with fire and rescue operations. In the case of a Township-sponsored youth program, the Township shall not permit the use of facilities or release equipment to a volunteer organization until such time as all identified participants have demonstrated compliance with §3-(2)(A).

- All volunteers who successfully pass a background check shall be permitted to participate in the Township-sponsored youth programs or Township-sponsored program involving the elderly or infirm or participate as a volunteer serving with the fire and rescue operations of the Township, as the case may be. For those volunteers participating in a Township-sponsored youth event, the Township shall issue identification badges indicating that the volunteer has successfully passed the background check. Each volunteer shall be required to display, upon request by the Chief of Police or designee, or a Recreation Committee member, the identification badge whenever he/she is participating in the Township-sponsored youth program, whether practice, game or otherwise.

- In the event that a volunteer continues to participate in a Township-sponsored youth program requiring background checks despite being advised of the inability to do so, the Township shall prohibit, in its sole discretion, the use of Township fields and equipment by the offending youth organization until such time as the youth organization prohibits the ineligible volunteer from participating in the Township-sponsored program or the ineligible volunteer is made eligible as set forth in this Chapter.

- All criminal background checks shall be filed and maintained in a database and shall not be available to the public. The records shall be exempt from public disclosure under the common law or the New Jersey Right to Know Law. The records shall only be retained for such period as is necessary to serve their intended and authorized purpose, and in conformance with the State of New Jersey Division Retention Schedule.

- All Township-sponsored programs that have individuals subject to this Chapter shall ensure that background checks are renewed annually.

- If the criminal history background check will result in the disqualification of a volunteer or applicant for any reason, such person shall be provided an opportunity to challenge the accuracy of the information contained therein. The person shall be afforded a reasonable period of time to correct the record and provide an amended record. Failure to do so within a reasonable period shall result in disqualification.

- The Township Committee is hereby designated as the body for any appeal that is brought forth by any person deemed disqualified as a result of a criminal history background check. The person shall have thirty (30) days from receipt of the notice of disqualification to petition the Township Committee for a review.

• A current volunteer or applicant for a volunteer position need not be automatically disqualified from serving as a volunteer on the basis of a conviction disclosed in a criminal history background check if said person has affirmatively demonstrated to the Township Committee clear and convincing evidence of his or her rehabilitation. The Township Committee may consider the following factors:

- The nature and responsibility of the position which the convicted person would hold;
- The nature and seriousness of the offense;
- The circumstances under which the offense occurred;
- The date of the offense;
- The age of the person when the offense was committed;
- Whether the offense was an isolated or repeated incident;
- Any social conditions which may have contributed to the offense; and

• Including, but not limited to, any evidence of rehabilitation, including good conduct, counseling or psychiatric treatment received.

Section 2 - Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3 - Repealer

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4 - Effective Date

This Ordinance shall take effect as required by law.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. Hayes, Mr. Misertino

Abstain: None

COMMITTEE PERSON COMMENTS:

Mrs. Mora Dillon made a motion to adjourn at 9:11, which was carried by all.